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# Trial for Blasphemy.

*ARGUMENT BY*

## ROBERT G. INGERSOLL.

*In Defence of* C. B. REYNOLDS, *at Morristown, N. J., May, 1887.*

ONLY AUTHORIZED EDITION.

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# TRIAL

OF

# C. B. REYNOLDS

FOR

# BLASPHEMY,

AT

MORRISTOWN, N. J., MAY 19th AND 20th, 1887.

## DEFENCE

BY

## ROBERT G. INGERSOLL.

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*Stenographically Reported by I. N. Baker, and Revised by the Author.*

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NEW YORK
C. F. FARRELL, PUBLISHER
1913

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# PUBLISHER'S PREFACE.

MR. C. B. REYNOLDS, the accused, is an accredited missionary of freethought and speech who, under the guarantees of the Constitution, went from town to town in New Jersey, lecturing and preaching to those who had invited him and to all who chose to come. His methods of invitation were the ordinary ones of circulars, newspaper notices, bill posters, and personal address. His meetings were attended by the best people of the place, and were orderly and quiet except as disturbed by Christian mobs, unrestrained by local officials.

At one of these meetings, in Boonton, he was attacked with missiles of every kind, while speaking—his tent destroyed, and he compelled to seek safety in flight. An action for damages against the town resulted in a counter action for disturbing the peace. Through the cowardice and inaction of the authorities the issue was never joined.

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Not daunted by persecution he continued his labors, making Morristown his next field of operations. Here he circulated a pamphlet giving his views of theology, and appended a satirical cartoon of his Boonton experience. This cartoon was the gravamen of his offence. For this he was indicted on a charge of "Blasphemy," and brought before a Morristown jury. The religious farce ended in a fine of $25.00.

C. P. FARRELL.

# Mr. Ingersoll's Argument.

Gentlemen of the Jury: I regard this as one of the most important cases that can be submitted to a jury. It is not a case that involves a little property, neither is it one that involves simply the liberty of one man. It involves the freedom of speech, the intellectual liberty of every citizen of New Jersey.

The question to be tried by you is whether a man has the right to express his honest thought; and for that reason there can be no case of greater importance submitted to a jury. And it may be well enough for me, at the outset, to admit that there could be no case in which I could take a greater—a deeper interest. For my part, I would not wish to live in a world where I could not express my honest opinions. Men who deny to others the right of speech are not fit to live with honest men.

I deny the right of any man, of any number of men, of any church, of any State, to put a padlock on the lips—to make the tongue a convict. I passionately deny the right of the Herod of authority to kill the children of the brain.

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A man has a right to work with his hands, to plow the earth, to sow the seed, and that man has a right to reap the harvest. If we have not that right, then all are slaves except those who take these rights from their fellow-men. If you have the right to work with your hands and to gather the harvest for yourself and your children, have you not a right to cultivate your brain? Have you not the right to read, to observe, to investigate — and when you have so read and so investigated, have you not the right to reap that field? And what is it to reap that field? It is simply to express what you have ascertained — simply to give your thoughts to your fellow-men.

If there is one subject in this world worthy of being discussed, worthy of being understood, it is the question of intellectual liberty. Without that, we are simply painted clay; without that, we are poor miserable serfs and slaves. If you have not the right to express your opinions, if the defendant has not this right, then no man ever walked beneath the blue of heaven that had the right to express his thought. If others claim the right, where did they get it? How did they happen to have it, and how did you happen to be deprived of it? Where did a church or a nation get that right?

Are we not all children of the same Mother? Are we not all compelled to think, whether we wish to or not? Can you help thinking as you do? When you look out upon the woods, the fields, — when you

look at the solemn splendors of the night—these things produce certain thoughts in your mind, and they produce them necessarily. No man can think as he desires No man controls the action of his brain, any more than he controls the action of his heart. The blood pursues its old accustomed ways in spite of you. The eyes see, if you open them, in spite of you. The ears hear, if they are unstopped, without asking your permission. And the brain thinks, in spite of you. Should you express that thought? Certainly you should, if others express theirs. You have exactly the same right. He who takes it from you is a robber.

For thousands of years people have been trying to force other people to think their way. Did they succeed? No. Will they succeed? No. Why? Because brute force is not an argument. You can stand with the lash over a man, or you can stand by the prison door, or beneath the gallows, or by the stake, and say to this man: "Recant, or the lash descends, the prison door is locked upon you, the rope is put about your neck, or the torch is given to the fagot." And so the man recants. Is he convinced? Not at all. Have you produced a new argument? Not the slightest. And yet the ignorant bigots of this world have been trying for thousands of years to rule the minds of men by brute force. They have endeavored to improve the mind by torturing the flesh—to spread religion with the sword and torch. They have tried to con-

vince their brothers by putting their feet in iron boots, by putting fathers, mothers, patriots, philosophers and philanthropists in dungeons. And what has been the result? Are we any nearer thinking alike to-day than we were then?

No orthodox church ever had power that it did not endeavor to make people think its way by force and flame. And yet every church that ever was established commenced in the minority, and while it was in the minority advocated free speech — every one. John Calvin, the founder of the Presbyterian Church, while he lived in France, wrote a book on religious toleration in order to show that all men had an equal right to think; and yet that man afterwards, clothed in a little authority, forgot all his sentiments about religious liberty, and had poor Servetus burned at the stake, for differing with him on a question that neither of them knew anything about. In the minority, Calvin advocated toleration — in the majority, he practised murder.

I want you to understand what has been done in the world to force men to think alike. It seems to me that if there is some infinite being who wants us to think alike, he would have made us alike. Why did he not do so? Why did he make your brain so that you could not by any possibility be a Methodist? Why did he make yours so that you could not be a Catholic? And why did he make the brain of another

so that he is an unbeliever—why the brain of another so that he became a Mohammedan—if he wanted us all to believe alike?

After all, may be Nature is good enough, and grand enough, and broad enough to give us the diversity born of liberty. May be, after all, it would not be best for us all to be just the same. What a stupid world, if everybody said yes to everything that everybody else might say.

The most important thing in this world is liberty. More important than food or clothes—more important than gold or houses or lands—more important than art or science—more important than all religions, is the liberty of man.

If civilization tends to do away with liberty, then I agree with Mr. Buckle that civilization is a curse. Gladly would I give up the splendors of the nineteenth century—gladly would I forget every invention that has leaped from the brain of man—gladly would I see all books ashes, all works of art destroyed, all statues broken, and all the triumphs of the world lost—gladly, joyously would I go back to the abodes and dens of savagery, if that is necessary to preserve the inestimable gem of human liberty. So would every man who has a heart and brain.

How has the church in every age, when in authority, defended itself? Always by a statute against blasphemy, against argument, against free speech. And there never

was such a statute that did not stain the book that it was in, and that did not certify to the savagery of the men who passed it. Never. By making a statute and by defining blasphemy, the Church sought to prevent discussion—sought to prevent argument—sought to prevent a man giving his honest opinion. Certainly a tenet, a dogma, a doctrine is safe when hedged about by a statute that prevents your speaking against it. In the silence of slavery it exists. It lives because lips are locked. It lives because men are slaves.

If I understand myself, I advocate only the doctrines that in my judgment will make this world happier and better. If I know myself, I advocate only those things that will make a man a better citizen, a better father, a kinder husband—that will make a woman a better wife, a better mother—doctrines that will fill every home with sunshine and with joy. And if I believed that anything I should say to-day would have any other possible tendency, I would stop. I am a believer in liberty. That is my religion—to give to every other human being every right that I claim for myself, and I grant to every other human being, not the right—because it is his right—but instead of granting I declare that it is his right, to attack every doctrine that I maintain, to answer every argument that I may urge—in other words, he must have absolute freedom of speech.

I am a believer in what I call "intellectual hospitality." A man comes to your door. If you are a gentle-

man and he appears to be a good man, you receive him with a smile. You ask after his health. You say: "Take a chair; are you thirsty, are you hungry, will you not break bread with me?" That is what a hospitable, good man does—he does not set the dog on him. Now how should we treat a new thought? I say that the brain should be hospitable and say to the new thought: "Come in; sit down; I want to cross-examine you; I want to find whether you are good or bad; if good, stay; if bad, I don't want to hurt you—probably you think you are all right,—but your room is better than your company, and I will take another idea in your place." Why not? Can any man have the egotism to say that he has found it all out? No. Every man who has thought, knows not only how little he knows, but how little every other human being knows, and how ignorant after all the world must be.

There was a time in Europe when the Catholic church had power. And I want it distinctly understood with this jury, that while I am opposed to Catholicism I am not opposed to Catholics—while I am opposed to Presbyterianism I am not opposed to Presbyterians. I do not fight people,—I fight ideas, I fight principles, and I never go into personalities. As I said, I do not hate Presbyterians, but Presbyterianism—that is I am opposed to their doctrine. I do not hate a man that has the rheumatism—I hate the rheumatism when it

has a man. So I attack certain principles because I think they are wrong, but I always want it understood that I have nothing against persons—nothing against victims.

There was a time when the Catholic church was in power in the Old World. All at once there arose a man called Martin Luther, and what did the dear old Catholics think? "Oh," they said, "that man and all his followers are going to Hell." But they did not go. They were very good people. They may have been mistaken—I do not know. I think they were right in their opposition to Catholicism—but I have just as much objection to the religion they founded as I have to the Church they left. But they thought they were right, and they made very good citizens, and it turned out that their differing from the Mother Church did not hurt them. And then after awhile they began to divide, and there arose Baptists, and the other gentlemen, who believed in this law that is now in New Jersey, began cutting off their ears so that they could hear better; they began putting them in prison so that they would have a chance to think. But the Baptists turned out to be good folks—first rate—good husbands, good fathers, good citizens. And in a little while, in England, the people turned to be Episcopalians, on account of a little war that Henry the Eighth had with the Pope,—and I always sided with the Pope in that war—but it made no difference;

and in a little while the Episcopalians turned out to be just about like other folks—no worse—not as I know of, any better.

After awhile arose the Puritan, and the Episcopalian said, "We don't want anything of him—he is a bad man;" and they finally drove some of them away and they settled in New England, and there were among them Quakers, than whom there never were better people on the earth—industrious, frugal, gentle, kind and loving—and yet these Puritans began hanging them. They said: "They are corrupting our children; if this thing goes on, everybody will believe in being kind and gentle and good, and what will become of us?" They were honest about it. So they went to cutting off ears. But the Quakers were good people and none of the prophecies were fulfilled.

In a little while there came some Unitarians and they said, "The world is going to ruin, sure;"—but the world went on as usual, and the Unitarians produced men like Channing—one of the tenderest spirits that ever lived—they produced men like Theodore Parker—one of the greatest brained and greatest hearted men produced upon this continent—a good man—and yet they thought he was a blasphemer—they even prayed for his death—on their bended knees they asked their God to take time to kill him. Well, they were mistaken. Honest, probably.

After awhile came the Universalists, who said: "God

is good. He will not damn anybody always, just for a little mistake he made here. This is a very short life; the path we travel is very dim, and a great many shadows fall in the way, and if a man happens to stub his toe, God will not burn him forever." And then all the rest of the sects cried out, "Why, if you do away with hell, everybody will murder just for pastime—everybody will go to stealing just to enjoy themselves." But they did not. The Universalists were good people—just as good as any others. Most of them much better. None of the prophecies were fulfilled, and yet the differences existed.

And so we go on until we find people who do not believe the bible at all, and when they say they do not, they come within this statute.

Now gentlemen, I am going to try to show you, first, that this statute under which Mr. Reynolds is being tried is unconstitutional—that it is not in harmony with the Constitution of New Jersey; and I am going to try to show you in addition to that, that it was passed hundreds of years ago, by men who believed it was right to burn heretics and tie Quakers at the end of a cart, men and even modest women—stripped naked—and lash them from town to town. They were the men who originally passed that statute, and I want to show you that it has slept all this time, and I am informed—I do not know how it is—that there never has been a prosecution in this state for blasphemy.

Now gentlemen, what is blasphemy? Of course nobody knows what it is, unless he takes into consideration where he is. What is blasphemy in one country would be a religious exhortation in another. It is owing to where you are and who is in authority. And let me call your attention to the impudence and bigotry of the American christians. We send missionaries to other countries. What for? To tell them that their religion is false, that their Gods are myths and monsters, that their Saviours and apostles were imposters, and that our religion is true. You send a man from Morristown—a Presbyterian, over to Turkey. He goes there, and he tells the Mohammedans—and he has it in a pamphlet and he distributes it—that the Koran is a lie, that Mohammet was not a prophet of God, that the angel Gabriel is not so large that it is four hundred leagues between his eyes—that it is all a mistake—that there never was an angel as large as that. Then what would the Turks do? Suppose the Turks had a law like this statute in New Jersey. They would put the Morristown missionary in jail, and he would send home word, and then what would the people of Morristown say? Honestly—what do you think they would say? They would say, "Why look at those poor, heathen wretches. We sent a man over there armed with the truth, and yet they were so blinded by their idolatrous religion, so steeped in superstition, that they actually put that man in prison." Gentlemen, does

not that show the need of more missionaries? I would say, yes.

Now let us turn the tables. A gentleman comes from Turkey to Morristown. He has got a pamphlet. He says, "The Koran is the inspired book, Mohammed is the real prophet, your bible is false and your Saviour simply a myth." Thereupon the Morristown people put him in jail. Then what would the Turks say? They would say, "Morristown needs more missionaries," and I would agree with them.

In other words, what we want is intellectual hospitality. Let the world talk. And see how foolish this trial is: I have no doubt but the prosecuting attorney agrees with me to-day, that whether this law is good or bad, this trial should not have taken place. And let me tell you why. Here comes a man into your town and circulates a pamphlet. Now if they had just kept still, very few would ever have heard of it. That would have been the end. The diameter of the echo would have been a few thousand feet. But in order to stop the discussion of that question, they indicted this man, and that question has been more discussed in this country since this indictment than all the discussions put together since New Jersey was first granted to Charles the Second's dearest brother James, the Duke of York. And what else? A trial here that is to be reported and published all over the United States, a trial that will give Mr. Reynolds a congregation of

fifty millions of people. And yet this was done for the purpose of stopping a discussion of this subject. I want to show you that the thing is in itself almost idiotic—that it defeats itself, and that you cannot crush out these things by force. Not only so, but Mr. Reynolds has the right to be defended, and his counsel has the right to give his opinions on this subject.

Suppose that we put Mr. Reynolds in jail. The argument has not been sent to jail. That is still going the rounds, free as the winds. Suppose you keep him at hard labor a year—all the time he is there hundreds and thousands of people will be reading some account, or some fragment, of this trial. There is the trouble. If you could only imprison a thought, then intellectual tyranny might succeed. If you could only take an argument and put a striped suit of clothes on it—if you could only take a good, splendid, shining fact and lock it up in some dungeon of ignorance, so that its light would never again enter the mind of man, then you might succeed in stopping human progress. Otherwise, no.

Let us see about this particular statute. In the first place, the State has a Constitution. That Constitution is a rule, a limitation to the power of the legislature, and a certain breast-work for the protection of private rights, and the Constitution says to this sea of passions and prejudices: "Thus far and no farther." The Constitution says to each individual: "This shall panoply

you; this is your complete coat of mail; this shall defend your rights." And it is usual in this country to make as a part of each Constitution several general declarations—called the Bill of Rights. So I find that in the old Constitution of New Jersey, which was adopted in the year of grace 1776, although the people at that time were not educated as they are now—the spirit of the Revolution at that time not having permeated all classes of society—a declaration in favor of religious freedom. The people were on the eve of a Revolution. This Constitution was adopted on the third day of July, 1776, one day before the immortal Declaration of Independence. Now what do we find in this—and we have got to go by this light, by this torch, when we examine the statute.

I find in that Constitution, in its Eighteenth Section, this: "No person shall ever in this State be deprived of the inestimable privilege of worshipping God in a manner agreeable to the dictates of his own conscience; nor under any pretence whatever be compelled to attend any place of worship contrary to his own faith and judgment; nor shall he be obliged to pay tithes, taxes, or any other rates for the purpose of building or repairing any church or churches, contrary to what he believes to be true." That was a very great and splendid step. It was the divorce of Church and State. It no longer allowed the State to levy taxes for the support of a particular religion, and it said to every citizen of New

Jersey: All that you give for that purpose must be voluntarily given, and the State will not compel you to pay for the maintenance of a Church in which you do not believe. So far so good.

The next paragraph was not so good. "There shall be no establishment of any one religious sect in this State in preference to another, and no Protestant inhabitants of this State shall be denied the enjoyment of any civil right merely on account of his religious principles; but all persons professing a belief in the faith of any Protestant sect, who shall demean themselves peaceably, shall be capable of being elected to any office of profit or trust, and shall fully and freely enjoy every privilege and immunity enjoyed by other citizens."

What became of the Catholics under that clause, I do not know—whether they had any right to be elected to office or not under this Act. But in 1844, the State having grown civilized in the meantime, another Constitution was adopted. The word Protestant was then left out. There was to be no establishment of one religion over another. But Protestantism did not render a man capable of being elected to office any more than Catholicism, and nothing is said about any religious belief whatever. So far, so good.

"No religious test shall be required as a qualification for any office of public trust. No person shall be denied the enjoyment of any civil right on account of his religious principles."

That is a very broad and splendid provision. "No person shall be denied any civil right on account of his religious principles." That was copied from the Virginia Constitution, and that clause in the Virginia Constitution was written by Thomas Jefferson, and under that clause men were entitled to give their testimony in the courts of Virginia whether they believed in any religion or not, in any bible or not, or in any God or not.

That same clause was afterwards adopted by the State of Illinois, also by many other States, and wherever that clause is, no citizen can be denied any civil right on account of his religious principles. It is a broad and generous clause. This statute under which this indictment is drawn, is not in accordance with the spirit of that splendid sentiment. Under that clause, no man can be deprived of any civil right on account of his religious principles, or on account of his belief. And yet, on account of this miserable, this antiquated, this barbarous and savage statute, the same man who cannot be denied any political or civil right, can be sent to the penitentiary as a common felon for simply expressing his honest thought. And before I get through I hope to convince you that this statute is unconstitutional.

But we will go another step: "Every person may freely speak, write, or publish his sentiments on all subjects, being responsible for the abuse of that right."

That is in the Constitution of nearly every State in the Union, and the intention of that is to cover slanderous words—to cover a case where a man under pretence of enjoying the freedom of speech falsely assails or accuses his neighbor. Of course he should be held responsible for that abuse.

Then follows the great clause in the Constitution of 1844—more important than any other clause in that instrument—a clause that shines in that Constitution like a star at night.—

"No law shall be passed to restrain or abridge the liberty of speech or of the press."

Can anything be plainer—anything more forcibly stated?

"No law shall be passed to abridge the liberty of speech."

Now while you are considering this statute, I want you to keep in mind this other statement:

"No law shall be passed to restrain or abridge the liberty of speech or of the press."

And right here there is another thing I want to call your attention to. There is a Constitution higher than any statute. There is a law higher than any Constitution. It is the law of the human conscience, and no man who is a man will defile and pollute his conscience at the bidding of any legislature. Above all things one should maintain his self-respect, and there is but one way to do that, and that is to live in accordance with your highest ideal.

There is a law higher than men can make. The facts as they exist in this poor world—the absolute consequences of certain acts—they are above all. And this higher law is the breath of progress, the very outstretched wings of civilization, under which we enjoy the freedom we have. Keep that in your minds. There never was a legislature great enough—there never was a Constitution sacred enough, to compel a civilized man to stand between a black man and his liberty. There never was a Constitution great enough to make me stand between any human being and his right to express his honest thoughts. Such a Constitution is an insult to the human soul, and I would care no more for it than I would for the growl of a wild beast. But we are not driven to that necessity here. This Constitution is in accord with the highest and noblest aspirations of the heart—"No law shall be passed to restrain or abridge the liberty of speech."

Now let us come to this old law—this law that was asleep for a hundred years before this Constitution was adopted—this law coiled like a snake beneath the foundations of the government—this law, cowardly, dastardly—this law passed by wretches who were afraid to discuss—this law passed by men who could not, and who knew they could not, defend their creed—and so they said: "Give us the sword of the State and we will cleave the heretic down." And this law was made to control the minority. When the Catholics were in

power they visited that law upon their opponents. When the Episcopalians were in power, they tortured and burned the poor Catholic who had scoffed and who had denied the truth of their religion. Whoever was in power used that, and whoever was out of power cursed that—and yet, the moment he got in power he used it. The people became civilized—but that law was on the statute book. It simply remained. There it was, sound asleep—its lips drawn over its long and cruel teeth. Nobody savage enough to waken it. And it slept on, and New Jersey has flourished. Men have done well. You have had average health in this country. Nobody roused the statute until the defendant in this case went to Boonton, and there made a speech in which he gave his honest thought, and the people not having an argument handy, threw stones. Thereupon Mr. Reynolds, the defendant, published a pamphlet on Blasphemy and in it gave a photograph of the Boonton christians. That is his offence. Now let us read this infamous statute:

"If any person shall wilfully blaspheme the holy name of God by denying, cursing, or contumeliously reproaching his being"—

I want to say right here—many a man has cursed the God of another man. The Catholics have cursed the God of the Protestant. The Presbyterians have cursed the God of the Catholics—charged them with idolatry—cursed their images, laughed at their ceremonies.

And these compliments have been interchanged between all the religions of the world. But I say here to-day that no man, unless a raving maniac, ever cursed the God in whom he believed. No man, no human being, has ever lived who cursed his own idea of God. He always curses the idea that somebody else entertains. No human being ever yet cursed what he believed to be infinite wisdom and infinite goodness—and you know it. Every man on this jury knows that. He feels that that must be an absolute certainty. Then what have they cursed? Some God they did not believe in—that is all. And has a man that right? I say yes. He has a right to give his opinion of Jupiter, and there is nobody in Morristown who will deny him that right. But several thousand years ago it would have been very dangerous for him to have cursed Jupiter, and yet Jupiter is just as powerful now as he was then, but the Roman people are not powerful, and that is all there was to Jupiter—the Roman people.

So there was a time when you could have cursed Zeus, the god of the Greeks, and like Socrates, they would have compelled you to drink hemlock. Yet now everybody can curse this god. Why? Is the god dead? No. He is just as alive as he ever was. Then what has happened? The Greeks have passed away. That is all. So in all of our Churches here. Whenever a Church is in the minority it clamors for free speech. When it gets in the majority, no. I do not believe the history of the

world will show that any orthodox Church when in the majority ever had the courage to face the free lips of the world. It sends for a constable. And is it not wonderful that they should do this when they preach the gospel of universal forgiveness—when they say, "if a man strike you on one cheek turn to him the other also"—but if he laughs at your religion, put him in the penitentiary? Is that the doctrine? Is that the law?

Now read this law. Do you know as I read this law I can almost hear John Calvin laugh in his grave. That would have been a delight to him. It is written exactly as he would have written it. There never was an inquisitor who would not have read that law with a malicious smile. The Christians who brought the fagots and ran with all their might to be at the burning, would have enjoyed that law. You know that when they used to burn people for having said something against religion, they used to cut their tongues out before they burned them. Why? For fear that if they did not, the poor burning victims might say something that would scandalize the Christian gentlemen who were building the fire. All these persons would have been delighted with this law.

Let us read a little further:

"—Or by cursing or contumeliously reproaching Jesus Christ."

Why, whoever did, since the poor man, or the poor God, was crucified? How did they come to crucify

him? Because they did not believe in free speech in Jerusalem. How else? Because there was a law against blasphemy in Jerusalem—a law exactly like this. Just think of it. O, I tell you we have passed too many milestones on the shining road of human progress to turn back and wallow in that blood, in that mire.

No. Some men have said that he was simply a man. Some believed that he was actually a God. Others believed that he was not only a man, but that he stood as the representative of infinite love and wisdom. No man ever said one word against that being for saying "Do unto others as ye would that others should do unto you." No man ever raised his voice against him because he said "Blessed are the merciful, for they shall obtain mercy." And are they the "merciful" who when some man endeavors to answer their argument, put him in the penitentiary? No. The trouble is, the priests—the trouble is, the ministers—the trouble is, the people whose business it was to tell the meaning of these things, quarreled with each other and they put meanings upon human expressions by malice, meanings that the words will not bear. And let me be just to them. I believe that nearly all that has been done in this world has been honestly done. I believe that the poor savage who kneels down and prays to a stuffed snake—prays that his little children may recover from the fever—is honest, and it seems to me that a good God would answer his prayer if he could, if it was in

accordance with wisdom, because the poor savage was doing the best he could, and no one can do any better than that.

So I believe that the Presbyterians who used to think that nearly everybody was going to hell, said exactly what they believed. They were honest about it, and I would not send one of them to jail—would never think of such a thing—even if he called the unbelievers of the world "wretches," "dogs," and "devils." What would I do? I would simply answer him—that is all; answer him kindly. I might laugh at him a little, but I would answer him in kindness.

So these divisions of the human mind are natural. They are a necessity. Do you know that all the mechanics that ever lived—take the best ones—cannot make two clocks that will run exactly alike one hour, one minute? They cannot make two pendulums that will beat in exactly the same time, one beat. If you cannot do that, how are you going to make hundreds, thousands, billions of people, each with a different quality and quantity of brain, each clad in a robe of living, quivering flesh, and each driven by passion's storm over the wild sea of life—how are you going to make them all think alike? This is the impossible thing that Christian ignorance and bigotry and malice have been trying to do. This was the object of the Inquisition and of the foolish legislature that passed this statute.

Let me read you another line from this ignorant statute:—

"Or the Christian religion."

Well, what is the Christian religion? "If you scoff at the Christian religion—if you curse the Christian religion." Well what is it? Gentlemen, you hear Presbyterians every day attack the Catholic Church. Is that the Christian religion? The Catholic believes it is the Christian religion, and you have to admit that it is the oldest one, and then the Catholics turn round and scoff at the Protestants. Is that the Christian religion? If so, every Christian religion has been cursed by every other Christian religion. Is not that an absurd and foolish statute?

I say that the Catholic has the right to attack the Presbyterian and tell him, "Your doctrine is all wrong." I think he has the right to say to him, "You are leading thousands to hell." If he believes it, he not only has the right to say it, but it is his duty to say it; and if the Presbyterian really believes the Catholics are all going to the devil, it is his duty to say so. Why not? I will never have any religion that I cannot defend—that is, that I do not believe I can defend. I may be mistaken, because no man is absolutely certain that he knows. We all understand that. Every one is liable to be mistaken. The horizon of each individual is very narrow, and in his poor sky the stars are few and very small.

"*Or the word of God,*—"

What is that?

"*The canonical Scriptures contained in the books of the Old and New Testaments.*"

Now what has a man the right to say about that? Has he the right to show that the book of Revelation got into the canon by one vote, and one only? Has he the right to show that they passed in convention upon what books they would put in and what they would not? Has he the right to show that there were twenty-eight books called "The Books of the Hebrews?" Has he the right to show that? Has he the right to show that Martin Luther said he did not believe there was one solitary word of gospel in the Epistle to the Romans? Has he the right to show that some of these books were not written till nearly two hundred years afterwards? Has he the right to say it, if he believes it? I do not say whether this is true or not, but has a man the right to say it if he believes it?

Now suppose I should read the bible all through right here in Morristown, and after I got through I should make up my mind that it is not a true book—what ought I to say? Ought I to clap my hand over my mouth and start for another State, and the minute I got over the line say, "It is not true, It is not true?" Or, ought I to have the right and privilege of saying right here in New Jersey, "My fellow citizens, I have read the book—I do not believe that it is the word of God?"

Suppose I read it and think it is true, then I am bound to say so. If I should go to Turkey and read the Koran and make up my mind that it is false, you would all say that I was a miserable poltroon if I did not say so.

By force you can make hypocrites—men who will agree with you from the teeth out, and in their hearts hate you. We want no more hypocrites. We have enough in every community. And how are you going to keep from having more? By having the air free,—by wiping from your statute books such miserable and infamous laws as this.

"*The Holy Scriptures.*"

Are they holy? Must a man be honest? Has he the right to be sincere? There are thousands of things in the Scriptures that everybody believes. Everybody believes the Scriptures are right when they say, "Thou shalt not steal"—everybody. And when they say "Give good measure, heaped up and running over," everybody says, "Good!" So when they say "Love your neighbor," everybody applauds that. Suppose a man believes that, and practices it, does it make any difference whether he believes in the flood or not? Is that of any importance? Whether a man built an ark or not—does that make the slightest difference? A man might deny it and yet be a very good man. Another might believe it and be a very mean man. Could it now, by any possibility, make a man a good father, a good husband, a good citizen? Does it make

any difference whether you believe it or not? Does it make any difference whether or not you believe that a man was going through town and his hair was a little short, like mine, and some little children laughed at him, and thereupon two bears from the woods came down and tore to pieces about forty of these children? Is it necessary to believe that? Suppose a man should say, "I guess that is a mistake. They did not copy that right. I guess the man that reported that was a little dull of hearing and did not get the story exactly right." Any harm in saying that? Is a man to be sent to the penitentiary for that? Can you imagine an infinitely good God sending a man to hell because he did not believe the bear story?

So I say if you believe the bible, say so; if you do not believe it, say so. And here is the vital mistake, I might almost say, in Protestantism itself. The Protestants when they fought the Catholics said: "Read the bible for yourselves—stop taking it from your priests—read the sacred volume with your own eyes. It is a revelation from God to his children, and you are the children." And then they said: "If after you read it you do not believe it, and you say anything against it, we will put you in jail, and God will put you in hell." That is a fine position to get a man in. It is like a man who invited his neighbor to come and look at his pictures, saying: "They are the finest in the place, and I want your candid opinion. A man

who looked at them the other day said they were daubs, and I kicked him down stairs—now I want your candid judgment." So the Protestant Church says to a man, "This bible is a message from your Father,—your Father in heaven. Read it. Judge for yourself. But if after you have read it you say it is not true, I will put you in the penitentiary for one year." The Catholic Church has a little more sense about that—at least more logic. It says: "This bible is not given to everybody. It is given to the world, to be sure, but it must be interpreted by the Church. God would not give a bible to the world unless he also appointed some one, some organization, to tell the world what it means." They said: "We do not want the world filled with interpretations, and all the interpreters fighting each other." And the Protestant has gone to the infinite absurdity of saying: "Judge for yourself, but if you judge wrong you will go to the penitentiary here and to hell hereafter."

Now let us see further:

"*Or by profane scoffing expose them to ridicule.*"

Think of such a law as that, passed under a Constitution that says, "No law shall abridge the liberty of speech." But you must not ridicule the Scriptures. Did anybody ever dream of passing a law to protect Shakespeare from being laughed at? Did anybody ever think of such a thing? Did anybody ever want any legislative enactment to keep people from holding

Robert Burns in contempt? The songs of Burns will be sung as long as there is love in the human heart. Do we need to protect him from ridicule by a statute? Does he need assistance from New Jersey? Is any statute needed to keep Euclid from being laughed at in this neighborhood? And is it possible that a work written by an infinite being has to be protected by a legislature? Is it possible that a book cannot be written by a God so that it will not excite the laughter of the human race?

Why gentlemen, humor is one of the most valuable things in the human brain. It is the torch of the mind—it sheds light. Humor is the readiest test of truth—of the natural, of the sensible—and when you take from a man all sense of humor, there will only be enough left to make a bigot. Teach this man who has no humor—no sense of the absurd—the Presbyterian creed, fill his darkened brain with superstition and his heart with hatred—then frighten him with the threat of hell, and he will be ready to vote for that statute. Such men made that law.

Let us read another clause:—

"*And every person so offending shall, on conviction, be fined not exceeding two hundred dollars, or imprisoned at hard labor not exceeding twelve months, or both.*"

I want you to remember that this statute was passed in England hundreds of years ago—just in that

language. The punishment, however, has been somewhat changed. In the good old days when the king sat on the throne—in the good old days when the altar was the right-bower of the throne—then, instead of saying: "fined two hundred dollars and imprisoned one year," it was: "All his goods shall be confiscated; his tongue shall be bored with a hot iron, and upon his forehead he shall be branded with the letter B; and for the second offence he shall suffer death by burning." Those were the good old days when people maintained the orthodox religion in all its purity and in all its ferocity.

The first question for you, gentlemen, to decide in this case is: Is this statute constitutional? Is this statute in harmony with that part of the Constitution of 1844 which says: "The liberty of speech shall not be abridged?" That is for you to say. Is this law constitutional, or is it simply an old statute that fell asleep, that was forgotten, that people simply failed to repeal? I believe I can convince you, if you will think a moment, that our fathers never intended to establish a government like that. When they fought for what they believed to be religious liberty—when they fought for what they believed to be liberty of speech, they believed that all such statutes would be wiped from the statute books of all the States.

Let me tell you another reason why I believe this. We have in this country naturalization laws. Persons

may come here irrespective of their religion. They must simply swear allegiance to this country—they must forswear allegiance to every other potentate, prince and power—but they do not have to change their religion. A Hindoo may become a citizen of the United States, and the Constitution of the United States, like the Constitution of New Jersey, guarantees religious liberty. That Hindoo believes in a God—in a God that no Christian does believe in. He believes in a sacred book that every Christian looks upon as a collection of falsehoods. He believes, too, in a Saviour—in Buddha. Now I ask you,—when that man comes here and becomes a citizen—when the Constitution is about him, above him—has he the right to give his ideas about his religion? Has he the right to say in New Jersey: "There is no God except the Supreme Brahm—there is no Saviour except Buddha the Illuminated, Buddha the Blest?" I say that he has that right—and you have no right, because in addition to that he says, "You are mistaken; your God is not God; your bible is not true, and your religion is a mistake," to abridge his liberty of speech. He has the right to say it, and if he has the right to say it, I insist before this Court and before this jury, that he has the right to give his reasons for saying it; and in giving those reasons, in maintaining his side, he has the right, not simply to appeal to history, not simply to the masonry of logic, but he has the right to shoot the

arrows of wit, and to use the smile of ridicule. Anything that can be laughed out of this world ought not to stay in it.

So the Persian — the believer in Zoroaster, in the spirits of Good and Evil, and that the spirit of Evil will finally triumph forever — if that is his religion — has the right to state it, and the right to give his reasons for his belief. How infinitely preposterous for you, one of the States of this Union, to invite a Persian or a Hindoo to come to your shores. You do not ask him to renounce his God. You ask him to renounce the Shah. Then when he becomes a citizen, having the rights of every other citizen, he has the right to defend his religion and to denounce yours.

There is another thing. What was the spirit of our government at that time? You must look at the leading men. Who were they? What were their opinions? Were most of them as guilty of blasphemy as is the defendant in this case? Thomas Jefferson — and there is in my judgment only one name on the page of American history greater than his — only one name for which I have a greater and a tenderer reverence — and that is Abraham Lincoln, because of all men who ever lived and had power, he was the most merciful. And that is the way to test a man. How does he use power? Does he want to crush his fellow citizens? Does he like to lock somebody up in the penitentiary because he has the power of the moment? Does he

wish to use it as a despot, or as a philanthropist—like a devil, or like a man?

Thomas Jefferson entertained about the same views entertained by the defendant in this case, and he was made President of the United States. He was the author of the Declaration of Independence, founder of the University of Virginia, writer of that clause in the Constitution of that State that made all the citizens equal before the law. And when I come to the very sentences here charged as blasphemy, I will show you that these were the common sentiments of thousands of very great, of very intellectual and admirable men.

I have no time, and it may be this is not the place and the occasion, to call your attention to the infinite harm that has been done in almost every religious nation by statutes such as this. Where that statute is, liberty can not be; and if this statute is enforced by this jury and by this Court, and if it is afterwards carried out, and if it could be carried out in the States of this Union, there would be an end of all intellectual progress. We would go back to the dark ages. Every man's mind, upon these subjects at least, would become a stagnant pool, covered with the scum of prejudice and meanness.

And wherever such laws have been enforced, have the people been friends? Here we are to-day in this blessed air—here amid these happy fields. Can we

imagine, with these surroundings, that a man for having been found with a crucifix in his poor little home had been taken from his wife and children and burned—burned by Protestants? You cannot conceive of such a thing now. Neither can you conceive that there was a time when Catholics found some poor Protestant contradicting one of the dogmas of the Church, and took that poor honest wretch—while his wife wept—while his children clung to his hands—to the public square, drove a stake in the ground, put a chain or two about him, lighted the fagots, and let the wife whom he loved and his little children see the flames climb around his limbs—you cannot imagine that any such infamy was ever practiced. And yet I tell you that the same spirit made this detestable, infamous, devilish statute.

You can hardly imagine that there was a time when the same kind of men that made this law said to another man: "You say this world is round?" "Yes, sir; I think it is, because I have seen its shadow on the moon." "You have?"—Now can you imagine a society outside of hyenas and boa constrictors that would take that man, put him in the penitentiary, in a dungeon, turn the key upon him, and let his name be blotted from the book of human life? Years afterward some explorer amid ruins finds a few bones. The same spirit that did that, made this statute—the same spirit that did that, went before the grand jury in this case—exactly. Give the men that had this man in-

dicted the power, and I would not want to live in that particular part of the country. I would not willingly live with such men. I would go somewhere else, where the air is free, where I could speak my sentiments to my wife, to my children, and to my neighbors.

Now this persecution differs only in degree from the infamies of the olden time. What does it mean? It means that the State of New Jersey has all the light it wants. And what does that mean? It means that the State of New Jersey is absolutely infallible—that it has got its growth, and does not propose to grow any more. New Jersey knows enough, and it will send teachers to the penitentiary.

It is hardly possible that this State has accomplished all that it is ever going to accomplish. Religions are for a day. They are the clouds. Humanity is the eternal blue. Religions are the waves of the sea. These waves depend upon the force and direction of the wind—that is to say, of passion; but Humanity is the great sea. And so our religions change from day to day, and it is a blessed thing that they do. Why? Because we grow, and we are getting a little more civilized every day,—and any man that is not willing to let another man express his opinion, is not a civilized man, and you know it. Any man that does not give to everybody else the rights he claims for himself, is not an honest man.

Here is a man who says, "I am going to join the

Methodist Church." What right has he? Just the same right to join it that I have not to join it—no more, no less. But if you are a Methodist and I am not, it simply proves that you do not agree with me, and that I do not agree with you—that is all. Another man is a Catholic. He was born a Catholic, or is convinced that Catholicism is right. That is his business, and any man that would persecute him on that account, is a poor barbarian—a savage; any man that would abuse him on that account, is a barbarian—a savage.

Then I take the next step. A man does not wish to belong to any church. How are you going to judge him? Judge him by the way he treats his wife, his children, his neighbors. Does he pay his debts? Does he tell the truth? Does he help the poor? Has he got a heart that melts when he hears grief's story? That is the way to judge him. I do not care what he thinks about the bears, or the flood, about bibles or gods. When some poor mother is found wandering in the street with a babe at her breast, does he quote Scripture, or hunt for his pocket-book? That is the way to judge. And suppose he does not believe in any bible whatever? If Christianity is true, that is his misfortune, and everybody should pity the poor wretch that is going down the hill. Why kick him? You will get your revenge on him through all eternity—is not that enough?

So I say, let us judge each other by our actions,

not by theories, not by what we happen to believe—because that depends very much on where we were born.

If you had been born in Turkey, you probably would have been a Mohammedan. If I had been born among the Hindoos, I might have been a Buddhist—I can't tell. If I had been raised in Scotland, on oat meal, I might have been a Covenanter—nobody knows. If I had lived in Ireland, and seen my poor wife and children driven into the street, I think I might have been a Home Ruler—no doubt of it. You see it depends on where you were born—much depends on our surroundings.

Of course, there are men born in Turkey who are not Mohammedans, and there are men born in this country who are not Christians—Methodists, Unitarians, or Catholics, plenty of them, who are unbelievers—plenty of them who deny the truth of the Scriptures—plenty of them who say: "I know not whether there be a God or not." Well, it is a thousand times better to say that honestly than to say dishonestly that you believe in God.

If you want to know the opinion of your neighbor, you want his honest opinion. You do not want to be deceived. You do not want to talk with a hypocrite. You want to get straight at his honest mind—and then you are going to judge him, not by what he says but by what he does. It is very easy to sail along with the majority—easy to sail the way the boats are going—easy to float with the stream; but when you come to

swim against the tide, with the men on the shore throwing rocks at you, you will get a good deal of exercise in this world.

And do you know that we ought to feel under the greatest obligation to men who have fought the prevailing notions of their day? There is not a Presbyterian in Morristown that does not hold up for admiration the man that carried the flag of the Presbyterians when they were in the minority—not one. There is not a Methodist in this state who does not admire John and Charles Wesley and Whitefield, who carried the banner of that new and despised sect when it was in the minority. They glory in them because they braved public opinion, because they dared to oppose idiotic, barbarous and savage statutes like this. And there is not a Universalist that does not worship dear old Hosea Ballou—I love him myself—because he said to the Presbyterian minister: "You are going around trying to keep people out of hell, and I am going around trying to keep hell out of the people." Every Universalist admires him and loves him because when despised and railed at and spit upon, he stood firm, a patient witness for the eternal mercy of God. And there is not a solitary Protestant who does not honor Martin Luther—who does not honor the Covenanters in poor Scotland, and that poor girl who was tied out on the sand of the sea by Episcopalians, and kept there till the rising tide drowned her, and all she had to do to save her life was to say, "God

save the king;" but she would not say it without the addition of the words, "If it be God's will." No one, who is not a miserable, contemptible wretch, can fail to stand in admiration before such courage, such self-denial—such heroism. No matter what the attitude of your body may be, your soul falls on its knees before such men and such women.

Let us take another step. Where would we have been if authority had always triumphed? Where would we have been if such statutes had always been carried out? We have now a science called Astronomy. That science has done more to enlarge the horizon of human thought than all things else. We now live in an infinite universe. We know that the sun is a million times larger than our earth, and we know that there are other great luminaries millions of times larger than our sun. We know that there are planets so far away that light, traveling at the rate of one hundred and eighty-five thousand miles a second, requires fifteen thousand years to reach this grain of sand, this tear, we call the earth—and we now know that all the fields of space are sown thick with constellations. If that statute had been enforced, that Science would not now be the property of the human mind. That Science is contrary to the bible, and for asserting the truth you become a criminal. For what sum of money, for what amount of wealth, would the world have the science of Astronomy expunged from the brain of man? We learned the story of the stars in spite of that statute.

The first men who said the world was round were scourged for scoffing at the Scriptures. And even Martin Luther, speaking of one of the greatest men that ever lived, said: "Does he think with his little lever to overturn the Universe of God?" Martin Luther insisted that such men ought to be trampled under foot. If that statute had been carried into effect, Galileo would have been impossible. Kepler, the discoverer of the three laws, would have died with the great secret locked in his brain, and mankind would have been left ignorant, superstitious, and besotted. And what else? If that statute had been carried out, the world would have been deprived of the philosophy of Spinoza; of the philosophy, of the literature, of the wit and wisdom, the justice and mercy of Voltaire, the greatest Frenchman that ever drew the breath of life—the man who by his mighty pen abolished torture in a nation, and helped to civilize a world.

If that statute had been enforced, nearly all the books that enrich the libraries of the world could not have been written. If that statute had been enforced, Humboldt could not have delivered the lectures now known as "The Cosmos." If that statute had been enforced, Charles Darwin would not have been allowed to give to the world his discoveries that have been of more benefit to mankind than all the sermons ever uttered. In England they have placed his sacred dust in the great Abbey. If he had lived in New Jersey, and this statute

could have been enforced, he would have lived one year at least in your penitentiary. Why? That man went so far as not simply to deny the truth of your bible, but absolutely to deny the existence of your God. Was he a good man? Yes, one of the noblest and greatest of men. Humboldt, the greatest German who ever lived, was of the same opinion.

And so I might go on with the great men of to-day. Who are the men who are leading the race upward and shedding light in the intellectual world? They are the men declared by that statute to be criminals. Mr. Spencer could not publish his books in the State of New Jersey. He would be arrested, tried, and imprisoned; and yet that man has added to the intellectual wealth of the world.

So with Huxley, so with Tyndal, so with Helmholz—so with the greatest thinkers and greatest writers of modern times.

You may not agree with these men—and what does that prove? It simply proves that they do not agree with you—that is all. Who is to blame? I do not know. They may be wrong, and you may be right; but if they had the power, and put you in the penitentiary simply because you differed with them, they would be savages; and if you have the power and imprison men because they differ from you, why then, of course, you are savages.

No; I believe in intellectual hospitality. I love men

that have a little horizon to their minds—a little sky, a little scope. I hate anything that is narrow and pinched and withered and mean and crawling, and that is willing to live on dust. I believe in creating such an atmosphere that things will burst into blossom. I believe in good will, good health, good fellowship, good feeling—and if there is any God on the earth, or in heaven, let us hope that he will be generous and grand. Do you not see what the effect will be? I am not cursing you because you are a Methodist, and not damning you because you are a Catholic, or because you are an Infidel—a good man is more than all of these. The grandest of all things is to be in the highest and noblest sense a man.

Now let us see the frightful things that this man, the defendant in this case, has done. Let me read the charges against him as set out in this indictment.

I shall insist that this statute does not cover any publication—that it covers simply speech—not in writing, not in book or pamphlet. Let us see :

"*This bible describes God as so loving that he drowned the whole world in his mad fury.*"

Well, the great question about that is, is it true? Does the bible describe God as having drowned the whole world with the exception of eight people? Does it, or does it not? I do not know whether there is anybody in this county who has really read the bible, but I believe the story of the flood is there. It does say

that God destroyed all flesh, and that he did so because he was angry. He says so himself, if the bible be true.

The defendant has simply repeated what is in the bible. The bible says that God is loving, and says that he drowned the world, and that he was angry. Is it blasphemy to quote from the "Sacred Scriptures?"

"*Because it was so much worse than he, knowing all things, ever supposed it could be.*"—

Well, the bible does say that he repented having made man. Now is there any blasphemy in saying that the bible is true? That is the only question. It is a fact that God, according to the bible, did drown nearly everybody. If God knows all things, he must have known at the time he made them that he was going to drown them. Is it likely that a being of infinite wisdom would deliberately do what he knew he must undo? Is it blasphemy to ask that question? Have you a right to think about it at all? If you have, you have the right to tell somebody what you think—if not, you have no right to discuss it, no right to think about it. All you have to do is to read it and believe it—to open your mouth like a young robin, and swallow—worms or shingle nails—no matter which.

The defendant further blasphemed and said that:—

"*An all-wise, unchangeable God, who got out of patience with a world which was just what his own stupid blundering had made it, knew no better way out of the muddle than to destroy it by drowning!*"

Is that true? Was not the world exactly as God made it? Certainly. Did he not, if the bible is true, drown the people? He did. Did he know he would drown them when he made them? He did. Did he know they ought to be drowned when they were made? He did. Where, then, is the blasphemy in saying so? There is not a minister in this world who could explain it—who would be permitted to explain it—under this statute. And yet you would arrest this man and put him in the penitentiary. But after you lock him in the cell, there remains the question still. Is it possible that a good and wise God, knowing that he was going to drown them, made millions of people? What did he make them for? I do not know. I do not pretend to be wise enough to answer that question. Of course, you cannot answer the question. Is there anything blasphemous in that? Would it be blasphemy in me to say I do not believe that any God ever made men, women and children—mothers, with babes clasped to their breasts, and then sent a flood to fill the world with death?

A rain lasting for forty days—the water rising hour by hour, and the poor wretched children of God climbing to the tops of their houses—then to the tops of the hills. The water still rising—no mercy. The people climbing higher and higher, looking to the mountains for salvation—the merciless rain still falling, the inexorable flood still rising. Children falling from the arms of mothers—no pity. The highest hills covered

—infancy and old age mingling in death—the cries of women, the sobs and sighs lost in the roar of waves—the heavens still relentless. The mountains are covered—a shoreless sea rolls round the world, and on its billows are billions of corpses.

This is the greatest crime that man has imagined, and this crime is called a deed of infinite mercy.

Do you believe that? I do not believe one word of it, and I have the right to say to all the world that this is false.

If there be a good God, the story is not true. If there be a wise God, the story is not true. Ought an honest man to be sent to the penitentiary for simply telling the truth?

Suppose we had a statute that whoever scoffed at Science—whoever by profane language should bring the Rule of Three into contempt, or whoever should attack the proposition that two parallel lines will never include a space, should be sent to the penitentiary—what would you think of it? It would be just as wise and just as idiotic as this.

And what else says the defendant?

"*The bible-God says that his people made him jealous.*" "*Provoked him to anger.*"

Is that true? It is. If it is true, is it blasphemous?

Let us read another line—

"*And now he will raise the mischief with them; that his anger burns like hell.*"

That is true. The bible says of God—"My anger burns to the lowest hell." And that is all that the defendant says. Every word of it is in the bible. He simply does not believe it—and for that reason is a "blasphemer."

I say to you now, gentlemen,—and I shall argue to the Court,—that there is not in what I have read a solitary blasphemous word—not a word that has not been said in hundreds of pulpits in the Christian world. Theodore Parker, a Unitarian, speaking of this bible-God, said: "Vishnu with a necklace of skulls, Vishnu with bracelets of living, hissing serpents, is a figure of Love and Mercy compared to the God of the Old Testament." That, we might call "blasphemy," but not what I have read.

Let us read on:—

"*He would destroy them all were it not that he feared the wrath of the enemy.*"

That is in the bible—word for word. Then the defendant in astonishment says:

"*The Almighty God afraid of his enemies!*"

That is what the bible says. What does it mean? If the bible is true, God was afraid.

"*Can the mind conceive of more horrid blasphemy?*"

Is not that true? If God be infinitely good and wise and powerful, is it possible he is afraid of anything? If the defendant had said that God was afraid of his enemies, that might have been blasphemy—but this man

says the bible says that, and you are asked to say that it is blasphemy. Now, up to this point there is no blasphemy, even if you were to enforce this infamous statute—this savage law.

"*The Old Testament records for our instruction in morals the most foul and bestial instances of fornication, incest, and polygamy, perpetrated by God's own saints, and the New Testament indorses these lecherous wretches as examples for all good Christians to follow.*"

Now is it not a fact that the Old Testament does uphold polygamy? Abraham would have gotten into trouble in New Jersey—no doubt of that. Sarah could have obtained a divorce in this state,—no doubt of that. What is the use of telling a falsehood about it? Let us tell the truth about the patriarchs.

Everybody knows that the same is true of Moses. We have all heard of Solomon—a gentleman with five or six hundred wives, and three or four hundred other ladies with whom he was acquainted. This is simply what the defendant says. Is there any blasphemy about that? It is only the truth. If Solomon were living in the United States to-day, we would put him in the penitentiary. You know that under the Edmunds' Mormon law he would be locked up. If you should present a petition signed by his eleven hundred wives, you could not get him out.

So it was with David. There are some splendid things about David, of course. I admit that, and pay

my tribute of respect to his courage—but he happened to have ten or twelve wives too many, so he shut them up, put them in a kind of penitentiary and kept them there till they died. That would not be considered good conduct even in Morristown. You know that. Is it any harm to speak of it? There are plenty of ministers here to set it right—thousands of them all over the country, every one with his chance to talk all day Sunday and nobody to say a word back. The pew cannot reply to the pulpit, you know ; it has just to sit there and take it. If there is any harm in this, if it is not true, they ought to answer it. But it is here, and the only answer is an indictment.

I say that Lot was a bad man. So I say of Abraham, and of Jacob. Did you ever know of a more despicable fraud practiced by one brother on another than Jacob practiced on Esau? My sympathies have always been with Esau. He seemed to be a manly man. Is it blasphemy to say that you do not like a hypocrite, a murderer, or a thief, because his name is in the bible? How do you know what such men are mentioned for? May be they are mentioned as examples, and you certainly ought not to be led away and induced to imagine that a man with seven hundred wives is a pattern of domestic propriety, one to be followed by yourself and your sons. I might go on and mention the names of hundreds of others who committed every conceivable crime, in the name of religion—who declared

war, and on the field of battle killed men, women and babes, even children yet unborn, in the name of the most merciful God. The Bible is filled with the names and crimes of these sacred savages, these inspired beasts. Any man who says that a God of love commanded the commission of these crimes is, to say the least of it, mistaken. If there be a God, then it is blasphemous to charge him with the commission of crime.

But let us read further from this indictment:

"The aforesaid printed document contains other scandalous, infamous and blasphemous matters and things to the tenor and effect following, that is to say"—

Then comes this particularly blasphemous line:

"*Now, reader, take time and calmly think it over.*"

Gentlemen, there are many things I have read that I should not have expressed in exactly the same language used by the defendant, and many things that I am going to read I might not have said at all, but the defendant had the right to say every word with which he is charged in this indictment. He had the right to give his honest thought, no matter whether any human being agreed with what he said or not, and no matter whether any other man approved of the manner in which he said these things. I defend his right to speak, whether I believe in what he spoke or not, or in the propriety of saying what he did. I should defend a man just as cheerfully who had spoken against my doctrine, as one who had spoken against the popular superstitions of my

time. It would make no difference to me how unjust the attack was upon my belief—how maliciously ingenious; and no matter how sacred the conviction that was attacked, I would defend the freedom of speech. And why? Because no attack can be answered by force, no argument can be refuted by a blow, or by imprisonment, or by fine. You may imprison the man, but the argument is free; you may fell the man to the earth, but the statement stands.

The defendant in this case has attacked certain beliefs, thought by the Christian world to be sacred. Yet, after all, nothing is sacred but the truth, and by truth I mean what a man sincerely and honestly believes. The defendant says:

"*Take time to calmly think it over: Was a Jewish girl the mother of God, the mother of your God?*"

The defendant probably asked this question supposing that it must be answered by all sensible people in the negative. If the Christian religion is true, then a Jewish girl was the mother of Almighty God. Personally, if the doctrine is true, I have no fault to find with the statement that a Jewish maiden was the mother of God.—Millions believe that this is true—I do not believe,—but who knows? If a God came from the throne of the universe, came to this world and became the child of a pure and loving woman, it would not lessen, in my eyes, the dignity or the greatness of that God.

There is no more perfect picture on the earth, or

within the imagination of man, than a mother holding in her thrilled and happy arms a child, the fruit of love.

No matter how the statement is made, the fact remains the same. A Jewish girl became the mother of God. If the bible is true, that is true, and to repeat it, even according to your law, is not blasphemous, and to doubt it, or to express the doubt, or to deny it, is not contrary to your Constitution.

To this defendant it seemed improbable that God was ever born of woman, was ever held in the lap of a mother ; and because he cannot believe this, he is charged with blasphemy. Could you pour contempt on Shakespeare by saying that his mother was a woman,—by saying that he was once a poor crying little helpless child? Of course he was ; and he afterwards became the greatest human being that ever touched the earth,—the only man whose intellectual wings have reached from sky to sky ; and he was once a crying babe. What of it? Does that cast any scorn or contempt upon him? Does this take any of the music from "Midsummer Night's Dream"?—any of the passionate wealth from "Antony and Cleopatra," any philosophy from "Macbeth," any intellectual grandeur from "King Lear"? On the contrary, these great productions of the brain show the growth of the dimpled babe, give every mother a splendid dream and hope for her child, and cover every cradle with a sublime possibility.

The defendant is also charged with having said that "*God cried and screamed.*"

Why not? If he was absolutely a child, he was like other children,—like yours, like mine. I have seen the time, when absent from home, that I would have given more to have heard my children cry, than to have heard the finest orchestra that ever made the air burst into flower. What if God did cry? It simply shows that his humanity was real and not assumed, that it was a tragedy, real, and not a poor pretense. And the defendant also says that if the orthodox religion be true, that the

"*God of the Universe kicked, and flung about his little arms, and made aimless dashes into space with his little fists.*"

Is there anything in this that is blasphemous? One of the best pictures I ever saw of the Virgin and Child was painted by the Spaniard, Murillo. Christ appears to be a truly natural, chubby, happy babe. Such a picture takes nothing from the majesty, the beauty, or the glory of the incarnation.

I think it is the best thing about the Catholic Church that it lifts up for adoration and admiration, a mother,—that it pays what it calls "Divine honors" to a woman. There is certainly goodness in that, and where a Church has so few practices that are good, I am willing to point this one out. It is the one redeeming feature about Catholicism that it teaches the worship of a woman.

The defendant says more about the childhood of Christ. He goes so far as to say, that

"*He was found staring foolishly at his own little toes.*"

And why not? The bible says, that "he increased in wisdom and stature." The defendant might have referred to something far more improbable. In the same verse in which St. Luke says that Jesus increased in wisdom and stature, will be found the assertion that he increased in favor with God and man. The defendant might have asked how it was that the love of God for God increased.

But the defendant has simply stated that the child Jesus grew, as other children grow; that he acted like other children, and if he did, it is more than probable that he did stare at his own toes. I have laughed many a time to see little children astonished with the sight of their feet. They seem to wonder what on earth puts the little toes in motion. Certainly there is nothing blasphemous in supposing that the feet of Christ amused him, precisely as the feet of other children have amused them. There is nothing blasphemous about this; on the contrary, it is beautiful. If I believed in the existence of God, the creator of this world, the being who, with the hand of infinity, sowed the fields of space with stars, as a farmer sows his grain, I should like to think of him as a little dimpled babe, overflowing with joy, sitting upon the knees of a loving

mother. The ministers, themselves, might take a lesson even from the man who is charged with blasphemy, and make an effort to bring an infinite God a little nearer to the human heart.

The defendant also says, speaking of the infant Christ, "*He was nursed at Mary's breast.*"

Yes, and if the story be true, that is the tenderest fact in it. Nursed at the breast of woman. No painting, no statue, no words can make a deeper and a tenderer impression upon the heart of man than this: The Infinite God, a babe, nursed at the holy breast of woman.

You see these things do not strike all people the same. To a man that has been raised on the Orthodox desert, these things are incomprehensible. He has been robbed of his humanity. He has no humor, nothing but the stupid and the solemn. His fancy sits with folded wings.

Imagination, like the atmosphere of Spring, wooes every seed of earth to seek the blue of heaven, and whispers of bud and flower and fruit. Imagination gathers from every field of thought and pours the wealth of many lives into the lap of one. To the contracted, to the cast-iron people who believe in heartless and inhuman creeds, the words of the defendant seem blasphemous, and to them the thought that God was a little child is monstrous.

They cannot bear to hear it said that he nursed at the breast of a maiden, that he was wrapped in swaddling

clothes, that he had the joys and sorrows of other babes. I hope, gentlemen, that not only you, but the attorneys for the prosecution, have read what is known as the "Apocryphal New Testament," books that were once considered inspired, once admitted to be genuine, and that once formed a part of our New Testament. I hope you have read the books of Joseph and Mary, of the Shepherd of Hermes, of the Infancy and of Mary, in which many of the things done by the youthful Christ are described — books that were once the delight of the Christian world; books that gave joy to children, because in them they read that Christ made little birds of clay, that would at his command stretch out their wings and fly with joy above his head. If the defendant in this case had said anything like that, here in the State of New Jersey, he would have been indicted; the Orthodox Ministers would have shouted "blasphemy," and yet, these little stories made the name of Christ dearer to children.

The Church of to-day lacks sympathy; the theologians are without affection. After all, sympathy is genius. A man who really sympathizes with another understands him. A man who sympathizes with a religion instantly sees the good that is in it, and the man who sympathizes with the right, sees the evil that a creed contains.

But the defendant, still speaking of the infant Christ, is charged with having said,

"*God smiled when he was comfortable. He lay in a cradle and was rocked to sleep.*"

Yes, and there is no more beautiful picture than that. Let some great religious genius paint a picture of this kind—of a babe smiling with content, rocked in the cradle by the mother who bends tenderly and proudly above him. There could be no more beautiful, no more touching, picture than this. What would I not give for a picture of Shakespeare as a babe,—a picture that was a likeness,—rocked by his mother? I would give more for this than for any painting that now enriches the walls of the world.

The defendant also says, that

"*God was sick when cutting his teeth.*"

And what of that? We are told that he was tempted in all points, as we are. That is to say, he was afflicted, he was hungry, he was thirsty, he suffered the pains and miseries common to man. Otherwise, he was not flesh, he was not human.

"*He caught the measles, the mumps, the scarlet fever and the whooping cough.*"

Certainly he was liable to have these diseases, for he was, in fact, a child. Other children have them. Other children, loved as dearly by their mothers as Christ could have been by his, and yet they are taken from the little family by fever; taken, it may be, and buried in the snow, while the poor mother goes sadly home, wishing that she was lying by its side. All that can be said of

every word in this address, about Christ and about his childhood, amounts to this; that he lived the life of a child; that he acted like other children. I have read you substantially what he has said, and this is considered blasphemous.

He has said, that—

"*According to the Old Testament, the God of the Christian world commanded people to destroy each other.*"

If the bible is true, then the statement of the defendant is true. Is it calculated to bring God into contempt to deny that he upheld polygamy, that he ever commanded one of his generals to rip open with the sword of war, the woman with child? Is it blasphemy to deny that a God of infinite love gave such commandments? Is such a denial calculated to pour contempt and scorn upon the God of the Orthodox? Is it blasphemous to deny that God commanded his children to murder each other? Is it blasphemous to say that he was benevolent, merciful and just?

It is impossible to say that the bible is true and that God is good. I do not believe that a God made this world, filled it with people and then drowned them. I do not believe that infinite wisdom ever made a mistake. If there be any God he was too good to commit such an infinite crime, too wise to make such a mistake. Is this blasphemy? Is it blasphemy to say that Solomon was not a virtuous man, or that David was an adulterer?

Must we say when this ancient king had one of his best generals placed in the front of the battle—deserted him and had him murdered for the purpose of stealing his wife, that he was "a man after God's own heart"? Suppose the defendant in this case were guilty of something like that? Uriah was fighting for his country, fighting the battles of David, the king. David wanted to take from him his wife. He sent for Joab, his commander in chief, and said to him :

"Make a feint to attack a town. Put Uriah at the front of the attacking force and when the people sally forth from the town to defend its gate, fall back so that this gallant, noble, patriotic man may be slain."

This was done and the widow was stolen by the king. Is it blasphemy to tell the truth and to say exactly what David was? Let us be honest with each other ; let us be honest with this defendant.

For thousands of years men have taught that the ancient patriarchs were sacred, that they were far better than the men of modern times that what was in them a virtue, is in us a crime. Children are taught in Sunday-schools to admire and respect these criminals of the ancient days. The time has come to tell the truth about these men, to call things by their proper names, and above all, to stand by the right, by the truth, by mercy and by justice. If what the defendant has said is blasphemy under this statute then the question arises, is the statute in accordance with the Constitution? If this

statute is constitutional, why has it been allowed to sleep for all these years? I take this position: Any law made for the preservation of a human right, made to guard a human being, cannot sleep long enough to die; but any law that deprives a human being of a natural right—if that law goes to sleep, it never wakes, it sleeps the sleep of death.

I call the attention of the Court to that remarkable case in England where, only a few years ago, a man appealed to trial by battle. The law allowing trial by battle had been asleep in the statute book of England for more than two hundred years, and yet the Court held that, in spite of the fact that the law had been asleep—it being a law in favor of a defendant—he was entitled to trial by battle. And why? Because it was a statute at the time made in defence of a human right, and that statute could not sleep long enough or soundly enough to die. In consequence of this decision, the Parliament of England passed a special act, doing away forever with the trial by battle.

When a statute attacks an individual right the State must never let it sleep. When it attacks the right of the public at large and is allowed to pass into a state of slumber, it cannot be raised for the purpose of punishing an individual.

Now gentlemen, a few words more. I take an almost infinite interest in this trial, and before you decide, I am exceedingly anxious that you should understand with

clearness the thoughts I have expressed upon this subject. I want you to know how the civilized feel, and the position now taken by the leaders of the world.

A few years ago almost everything spoken against the grossest possible superstition was considered blasphemous. The altar hedged itself about with the sword ; the Priest went in partnership with the King. In those days statutes were leveled against all human speech. Men were convicted of blasphemy because they believed in an actual personal God ; because they insisted that God had body and parts. Men were convicted of blasphemy because they denied that God had form. They have been imprisoned for denying the doctrine of transubstantiation, and they have been torn in pieces for defending that doctrine. There are but few dogmas now believed by any Christian church that have not at some time been denounced as blasphemous.

When Henry the VIII. put himself at the head of the Episcopal church a creed was made, and in that creed there were five dogmas that must, of necessity, be believed. Anybody who denied any one, was to be punished—for the first offence, with fine, with imprisonment, or branding, and for the second offence, with death. Not one of these five dogmas is now a part of the creed of the Church of England.

So I could go on for days and weeks and months, showing that hundreds and hundreds of religious dogmas, to deny which was death, have been either changed or

abandoned for others nearly as absurd as the old ones were. It may be, however, sufficient to say, that wherever the Church has had power it has been a crime for any man to speak his honest thought. No Church has ever been willing that any opponent should give a transcript of his mind. Every Church in power has appealed to brute force, to the sword, for the purpose of sustaining its creed. Not one has had the courage to occupy the open field. The Church has not been satisfied with calling infidels and unbelievers blasphemers. Each Church has accused nearly every other Church of being a blasphemer. Every pioneer has been branded as a criminal. The Catholics called Martin Luther a blasphemer, and Martin Luther called Copernicus a blasphemer. Pious ignorance always regards intelligence as a kind of blasphemy. Some of the greatest men of the world, some of the best, have been put to death for the crime of blasphemy, that is to say, for the crime of endeavoring to benefit their fellow men.

As long as the Church has the power to close the lips of men, so long and no longer will superstition rule this world.

Blasphemy is the word that the majority hisses into the ear of the few.

After every argument of the Church has been answered, has been refuted, then the Church cries, "blasphemy!"

Blasphemy is what an old mistake says of a newly discovered truth.

Blasphemy is what a withered last year's leaf says to a this year's bud.

Blasphemy is the bulwark of religious prejudice.

Blasphemy is the breastplate of the heartless.

And let me say now, that the crime of blasphemy, as set out in this statute, is impossible. No man can blaspheme a book. No man can commit blasphemy by telling his honest thought. No man can blaspheme a God, or a Holy Ghost, or a Son of God. The Infinite cannot be blasphemed.

In the olden time, in the days of savagery and superstition, when some poor man was struck by lightning, or when a blackened mark was left on the breast of a wife and mother, the poor savage supposed that some God, angered by something he had done, had taken his revenge. What else did the savage suppose? He believed that this God had the same feelings, with regard to the loyalty of his subjects, that an earthly chief had, or an earthly king with regard to the loyalty or treachery of members of his tribe, or citizens of his kingdom. So the savage said, when his country was visited by a calamity, when the flood swept the people away, or the storm scattered their poor houses in fragments: "We have allowed some freethinker to live; some one is in our town or village who has not brought his gift to the priest, his incense to the altar; some man of our tribe or of our country does not respect our God." Then, for the purpose of appeasing the supposed God, for the purpose of again

winning a smile from Heaven, for the purpose of securing a little sunlight for their fields and homes, they drag the accused man from his home, from his wife and children, and with all the ceremonies of pious brutality, shed his blood. They did it in self-defense ; they believed that they were saving their own lives and the lives of their children ; they did it to appease their God. Most people are now beyond that point. Now, when disease visits a community, the intelligent do not say the disease came because the people were wicked ; when the cholera comes, it is not because of the Methodists, of the Catholics, of the Presbyterians, or of the infidels. When the wind destroys a town in the far West, it is not because somebody there had spoken his honest thoughts. We are beginning to see that the wind blows and destroys without the slightest reference to man, without the slightest care whether it destroys the good or the bad, the irreligious or the religious. When the lightning leaps from the clouds it is just as likely to strike a good man as a bad man, and when the great serpents of flame climb around the houses of men, they burn just as gladly and just as joyously, the home of virtue, as they do the den and lair of vice.

Then the reason for all these laws has failed. The laws were made on account of a superstition. That superstition has faded from the minds of intelligent men and, as a consequence, the laws based on the superstition ought to fail.

There is one splendid thing in nature, and that is that men and nations must reap the consequences of their acts — reap them in this world, if they live, and in another, if there be one. That man who leaves this world a bad man, a malicious man, will probably be the same man when he reaches another realm, and the man who leaves this shore good, charitable and honest, will be good, charitable and honest, no matter on what star he lives again. The world is growing sensible upon these subjects, and as we grow sensible, we grow charitable.

Another reason has been given for these laws against blasphemy, the most absurd reason that can by any possibility be given. It is this. There should be laws against blasphemy, because the man who utters blasphemy endangers the public peace.

Is it possible that Christians will break the peace? Is it possible that they will violate the law? Is it probable that Christians will congregate together and make a mob, simply because a man has given an opinion against their religion? What is their religion? They say, "If a man smites you on one cheek, turn the other also." They say, "We must love our neighbors as we love ourselves." Is it possible then, that you can make a mob out of Christians, — that these men, who love even their enemies, will attack others, and will destroy life, in the name of universal love? And yet, Christians themselves say that there ought to be laws against blasphemy,

for fear that Christians, who are controlled by universal love, will become so outraged, when they hear an honest man express an honest thought, that they will leap upon him and tear him in pieces.

What is blasphemy? I will give you a definition; I will give you my thought upon this subject. What is real blasphemy?

To live on the unpaid labor of other men—that is blasphemy.

To enslave your fellow-man, to put chains upon his body—that is blasphemy.

To enslave the minds of men, to put manacles upon the brain, padlocks upon the lips—that is blasphemy.

To deny what you believe to be true, to admit to be true what you believe to be a lie—that is blasphemy.

To strike the weak and unprotected, in order that you may gain the applause of the ignorant and superstitious mob—that is blasphemy.

To persecute the intelligent few, at the command of the ignorant many—that is blasphemy.

To forge chains, to build dungeons, for your honest fellow-men—that is blasphemy.

To pollute the souls of children with the dogma of eternal pain—that is blasphemy.

To violate your conscience—that is blasphemy.

The jury that gives an unjust verdict, and the Judge who pronounces an unjust sentence, are blasphemers.

The man who bows to public opinion against his better

judgment and against his honest conviction, is a blasphemer.

Why should we fear our fellow-men? Why should not each human being have the right, so far as thought and its expression are concerned, of all the world? What harm can come from an honest interchange of thought?

I have been giving you my real ideas. I have spoken freely, and yet the sun rose this morning, just the same as it always has. There is no particular change visible in the world, and I do not see but that we are all as happy to-day as though we had spent yesterday in making somebody else miserable. I denounced on yesterday the superstitions of the Christian world, and yet, last night I slept the sleep of peace. You will pardon me for saying again that I feel the greatest possible interest in the result of this trial, in the principle at stake. This is my only apology, my only excuse for taking your time. For years I have felt that the great battle for human liberty, the battle that has covered thousands of fields with heroic dead, had finally been won. When I read the history of this world, of what has been endured, of what has been suffered, of the heroism and infinite courage of the intellectual and honest few, battling with the countless serfs and slaves of kings and priests, of tyranny, of hypocrisy, of ignorance and prejudice, of faith and fear, there was in my heart the hope that the great battle had been fought, and that the human race, in its march towards the dawn, had

passed midnight, and that the "great balance weighed up morning." This hope, this feeling, gave me the greatest possible joy. When I thought of the many who had been burnt, of how often the sons of liberty had perished in ashes, of how many of the noblest and greatest had stood upon scaffolds, and of the countless hearts, the grandest that ever throbbed in human breasts, that had been broken by the tyranny of Church and State, of how many of the noble and loving had sighed themselves away in dungeons, the only consolation was that the last Bastile had fallen, that the dungeons of the Inquisition had been torn down and that the scaffolds of the world could no longer be wet with heroic blood.

You know that sometimes, after a great battle has been fought, and one of the armies has been broken, and its fortifications carried, there are occasional stragglers beyond the great field, stragglers who know nothing of the fate of their army, know nothing of the victory, and for that reason, fight on. There are a few such stragglers in the State of New Jersey. They have never heard of the great victory. They do not know that in all civilized countries the hosts of superstition have been put to flight. They do not know that freethinkers, infidels, are to-day the leaders of the intellectual armies of the world.

One of the last trials of this character, tried in Great Britain,—and that is the country that our ancestors fought in the sacred name of liberty,—one of the last trials in that country, a country ruled by a State church, ruled

by a woman who was born a queen, ruled by dukes and nobles and lords, children of ancient robbers—was in the year 1843. George Jacob Holyoake, one of the best of the human race, was imprisoned on a charge of Atheism, charged with having written a pamphlet and having made a speech in which he had denied the existence of the British God. The Judge who tried him, who passed sentence upon him, went down to his grave with a stain upon his intellect and upon his honor. All the real intelligence of Great Britain rebelled against the outrage. There was a trial after that to which I will call your attention. Judge Coleridge, father of the present Chief Justice of England, presided at this trial. A poor man by the name of Thomas Pooley, a man who dug wells for a living, wrote on the gate of a priest that, if people would burn their bibles and scatter the ashes on the lands, the crops would be better, and that they would also save a good deal of money in tithes. He wrote several sentences of a kindred character. He was a curious man. He had an idea that the world was a living, breathing animal. He would not dig a well beyond a certain depth for fear he might inflict pain upon this animal, the earth. He was tried before Judge Coleridge, on that charge. An infinite God was about to be dethroned, because an honest well-digger had written his sentiments on the fence of a parson. He was indicted, tried, convicted and sentenced to prison. Afterwards, many intelligent people asked for his pardon, on the ground that he was

in danger of becoming insane. The Judge refused to sign the petition. The pardon was refused. Long before his sentence expired, he became a raving maniac. He was removed to an asylum and there died. Some of the greatest men in England attacked that Judge, among these, Mr. Buckle, author of "The History of Civilization in England," one of the greatest books in this world. Mr. Buckle denounced Judge Coleridge. He brought him before the bar of English opinion, and there was not a man in England, whose opinion was worth anything, who did not agree with Mr. Buckle, and did not with him, declare the conviction of Thomas Pooley to be an infamous outrage. What were the reasons given? This, among others. The law was dead; it had been asleep for many years; it was a law passed during the ignorance of the Middle Ages, and a law that came out of the dungeons of religious persecution; a law that was appealed to by bigots and by hypocrites, to punish, to imprison an honest man.

In many parts of this country people have entertained the idea that New England was still filled with the spirit of Puritanism, filled with the descendants of those who killed Quakers in the name of universal benevolence, and traded Quaker children in the Barbadoes for rum, for the purpose of establishing the fact that God is an infinite father.

Yet, the last trial in Massachusetts on a charge like this, was when Abner Kneeland was indicted on a charge

of atheism. He was tried for having written this sentence: "The Universalists believe in a God which I do not." He was convicted and imprisoned. Chief Justice Shaw upheld the decision, and upheld it because he was afraid of public opinion; upheld it, although he must have known that the statute under which Kneeland was indicted, was clearly and plainly in violation of the Constitution. No man can read the decision of Justice Shaw without being convinced that he was absolutely dominated, either by bigotry, or hypocrisy. One of the Judges of that court, a noble man, wrote a dissenting opinion, and in that dissenting opinion is the argument of a civilized, of an enlightened jurist. No man can answer the dissenting opinion of Justice Morton. The case against Kneeland was tried more than fifty years ago, and there has been none since in the New England States; and this case, that we are now trying, is the first ever tried in New Jersey. The fact that it is the first, certifies to my interpretation of this statute, and it also certifies to the toleration and to the civilization of the people of this State. The statute is upon your books. You inherited it from your ignorant ancestors, and they inherited it from their savage ancestors. The people of New Jersey were heirs of the mistakes and of the atrocities of ancient England.

It is too late to enforce a law like this. Why has it been allowed to slumber? Who obtained this indictment? Were they actuated by good and noble motives?

Had they the public weal at heart, or were they simply endeavoring to be revenged upon this defendant? Were they willing to disgrace the State, in order that they might punish him?

I have given you my definition of blasphemy, and now the question arises, what is worship? Who is a worshipper? What is prayer? What is real religion? Let me answer these questions.

Good, honest, faithful work, is worship. The man who ploughs the fields and fells the forests; the man who works in mines, the man who battles with the winds and waves out on the wide sea, controlling the commerce of the world; these men are worshippers. The man who goes into the forest, leading his wife by the hand, who builds him a cabin, who makes a home in the wilderness, who helps to people and civilize and cultivate a continent, is a worshipper.

Labor is the only prayer that Nature answers; it is the only prayer that deserves an answer,—good, honest, noble work.

A woman whose husband has gone down to the gutter, gone down to degradation and filth; the woman who follows him and lifts him out of the mire and presses him to her noble heart, until he becomes a man once more, this woman is a worshipper. Her act is worship.

The poor man and the poor woman who work night and day, in order that they may give education to their

children, so that they may have a better life than their father and mother had; the parents who deny themselves the comforts of life, that they may lay up something to help their children to a higher place—they are worshippers; and the children who, after they reap the benefit of this worship, become ashamed of their parents, are blasphemers.

The man who sits by the bed of his invalid wife,—a wife prematurely old and gray,—the husband who sits by her bed and holds her thin, wan hand in his as lovingly, and kisses it as rapturously, as passionately, as when it was dimpled,—that is worship; that man is a worshipper; that is real religion.

Whoever increases the sum of human joy, is a worshipper.

He who adds to the sum of human misery, is a blasphemer.

Gentlemen, you can never make me believe—no statute can ever convince me, that there is any infinite being in this universe who hates an honest man. It is impossible to satisfy me that there is any God, or can be any God, who holds in abhorrence a soul that has the courage to express its thought. Neither can the whole world convince me that any man should be punished, either in this world or the next, for being candid with his fellow-men. If you send men to the penitentiary for speaking their thoughts, for endeavoring to enlighten their fellows, then the penitentiary will become a place

of honor, and the victim will step from it—not stained, not disgraced, but clad in robes of glory.

Let us take one more step.

What is holy? What is sacred? I reply that human happiness is holy, human rights are holy. The body and soul of man—these are sacred. The liberty of man is of far more importance than any book—the rights of man, more sacred than any religion—than any Scriptures, whether inspired or not.

What we want is the truth, and does any one suppose that all of the truth is confined in one book—that the mysteries of the whole world are explained by one volume?

All that is—all that conveys information to man—all that has been produced by the past—all that now exists—should be considered by an intelligent man. All the known truths of this world—all the philosophy, all the poems, all the pictures, all the statues, all the entrancing music—the prattle of babes, the lullaby of mothers, the words of honest men, the trumpet calls to duty—all these make up the bible of the world—everything that is noble and true and free, you will find in this great book.

If we wish to be true to ourselves,—if we wish to benefit our fellow men—if we wish to live honorable lives—we will give to every other human being every right that we claim for ourselves.

There is another thing that should be remembered by you. You are the judges of the law, as well as the

judges of the facts. In a case like this, you are the final judges as to what the law is; and if you acquit, no Court can reverse your verdict. To prevent the least misconception, let me state to you again what I claim:

First. I claim that the Constitution of New Jersey declares that:

"*The liberty of speech shall not be abridged.*"

Second. That this statute, under which this indictment is found, is unconstitutional, because it does abridge the liberty of speech; it does exactly that which the Constitution emphatically says shall not be done.

Third. I claim, also, that under this law—even if it be constitutional—the words charged in this indictment do not amount to blasphemy, read even in the light, or rather in the darkness, of this statute.

Do not, I pray you, forget this point. Do not forget that, no matter what the Court may tell you about the law—how good it is, or how bad it is—no matter what the Court may instruct you on that subject—do not forget one thing, and that is: that the words charged in the indictment are the only words that you can take into consideration in this case. Remember that, no matter what else may be in the pamphlet—no matter what pictures or cartoons there may be of the gentlemen in Boonton who mobbed this man in the name of universal liberty and love—do not forget that you have no right to take one word into account except the exact words set out in this indictment—that is to say, the

words that I have read to you. Upon this point the Court will instruct you that you have nothing to do with any other line in that pamphlet; and I now claim, that should the Court instruct you that the statute is constitutional, still I insist that the words set out in this indictment do not amount to blasphemy.

There is still another point. This statute says: "whoever shall *wilfully* speak against." Now, in this case, you must find that the defendant "wilfully" did so and so—that is to say, that he made the statements attributed to him knowing that they were not true. If you believe that he was honest in what he said, then this statute does not touch him. Even under this statute, a man may give his honest opinion. Certainly, there is no law that charges a man with "wilfully" being honest—"wilfully" telling his real opinion—"wilfully" giving to his fellow-men his thought.

Where a man is charged with larceny, the indictment must set out that he took the goods or the property with the intention to steal—with what the law calls the *animus furandi.* If he took the goods with the intention to steal, then he is a thief; but if he took the goods believing them to be his own, then he is guilty of no offence. So in this case, whatever was said by the defendant must have been "wilfully" said. And I claim that if you believe that what the man said was honestly said, you cannot find him guilty under this statute.

One more point: This statute has been allowed to slumber so long, that no man had the right to awaken it. For more than one hundred years it has slept; and so far as New Jersey is concerned, it has been sound asleep since 1664. For the first time it is dug out of its grave. The breath of life is sought to be breathed into it, to the end that some people may wreak their vengeance on an honest man.

Is there any evidence — has there been any — to show that the defendant was not absolutely candid in the expression of his opinions? Is there one particle of evidence tending to show that he is not a perfectly honest and sincere man? Did the prosecution have the courage to attack his reputation? No. The State has simply proved to you that he circulated that pamphlet — that is all.

It was claimed, among other things, that the defendant circulated this pamphlet among children. There was no such evidence — not the slightest. The only evidence about schools, or school-children was, that when the defendant talked with the bill poster, — whose business the defendant was interfering with, — he asked him something about the population of the town, and about the schools. But according to the evidence, and as a matter of fact, not a solitary pamphlet was ever given to any child, or to any youth. According to the testimony, the defendant went into two or three stores, — laid the pamphlets on a show case, or threw

them upon a desk—put them upon a stand where papers were sold, and in one instance handed a pamphlet to a man. That is all.

In my judgment, however, there would have been no harm in giving this pamphlet to every citizen of your place.

Again I say, that a law that has been allowed to sleep for all these years—allowed to sleep by reason of the good sense and by reason of the tolerant spirit of the State of New Jersey, should not be allowed to leap into life because a few are intolerant, or because a few lacked good sense and judgment. This snake should not be warmed into vicious life by the blood of anger.

Probably not a man on this jury agrees with me about the subject of religion. Probably not a member of this jury thinks that I am right in the opinions that I have entertained and have so often expressed. Most of you belong to some Church, and I presume that those who do, have the good of what they call Christianity at heart. There may be among you some Methodists. If so, they have read the history of their Church, and they know that when it was in the minority, it was persecuted, and they know that they can not read the history of that persecution without becoming indignant. They know that the early Methodists were denounced as heretics, as ranters, as ignorant pretenders.

There are also on this jury Catholics, and they know that there is a tendency in many parts of this country to

persecute a man now because he is a Catholic. They also know that their Church has persecuted in times past, whenever and wherever it had the power; and they know that Protestants, when in power, have always persecuted Catholics; and they know, in their hearts, that all persecution, whether in the name of law, or religion, is monstrous, savage, and fiendish.

I presume that each one of you has the good of what you call Christianity at heart. If you have, I beg of you to acquit this man. If you believe Christianity to be a good, it never can do any Church any good to put a man in jail for the expression of opinion. Any church that imprisons a man because he has used an argument against its creed, will simply convince the world that it cannot answer the argument.

Christianity will never reap any honor, will never reap any profit, from persecution. It is a poor, cowardly, dastardly way of answering arguments. No gentleman will do it—no civilized man ever did do it—no decent human being ever did, or ever will.

I take it for granted that you have a certain regard, a certain affection, for the State in which you live—that you take a pride in the Commonwealth of New Jersey. If you do, I beg of you to keep the record of your State clean. Allow no verdict to be recorded against the freedom of speech. At present there is not to be found on the records of any inferior Court, or on those of the Supreme tribunal—any case in which a man has been

punished for speaking his sentiments. The records have not been stained—have not been polluted,—with such a verdict.

Keep such a verdict from the Reports of your State—from the Records of your Courts. No jury has yet, in the State of New Jersey, decided that the lips of honest men are not free—that there is a manacle upon the brain.

For the sake of your State—for the sake of her reputation through the world—for your own sakes—for the sake of your children, and their children yet to be—say to the world that New Jersey shares in the spirit of this age,—that New Jersey is not a survival of the Dark Ages,—that New Jersey does not still regard the thumb-screw as an instrument of progress,—that New Jersey needs no dungeon to answer the arguments of a free man, and does not send to the penitentiary men who think, and men who speak. Say to the world, that where arguments are without foundation, New Jersey has confidence enough in the brains of her people to feel that such arguments can be refuted by reason.

For the sake of your State, acquit this man. For the sake of something of far more value to this world than New Jersey—for the sake of something of more importance to mankind than this continent—for the sake of Human Liberty, for the sake of Free Speech, acquit this man.

What light is to the eyes, what love is to the heart,

Liberty is to the soul of man. Without it, there come suffocation, degradation and death.

In the name of Liberty, I implore—and not only so, but I insist—that you shall find a verdict in favor of this defendant. Do not do the slightest thing to stay the march of human progress. Do not carry us back, even for a moment, to the darkness of that cruel night that good men hoped had passed away forever.

Liberty is the condition of progress. Without Liberty, there remains only barbarism. Without Liberty, there can be no civilization.

If another man has not the right to think, you have not even the right to think that he thinks wrong. If every man has not the right to think, the people of New Jersey had no right to make a statute, or to adopt a Constitution—no jury has the right to render a verdict, and no Court to pass its sentence.

In other words, without liberty of thought, no human being has the right to form a judgment. It is impossible that there should be such a thing as real religion, without liberty. Without liberty there can be no such thing as conscience, no such word as justice. All human actions —all good, all bad—have for a foundation the idea of human liberty, and without Liberty there can be no vice, and there can be no virtue.

Without Liberty there can be no worship, no blasphemy—no love, no hatred, no justice, no progress.

Take the word Liberty from human speech and all the

other words become poor, withered, meaningless sounds —but with that word realized—with that word understood, the world becomes a paradise.

Understand me. I am not blaming the people. I am not blaming the prosecution, nor the prosecuting attorney. The officers of the Court are simply doing what they feel to be their duty. They did not find the indictment. That was found by the grand jury. The grand jury did not find the indictment of its own motion. Certain people came before the grand jury and made their complaint—gave their testimony, and upon that testimony, under this statute, the indictment was found.

While I do not blame these people—they not being on trial—I do ask you to stand on the side of right.

I cannot conceive of much greater happiness than to discharge a public duty, than to be absolutely true to conscience, true to judgment, no matter what authority may say, no matter what public opinion may demand. A man who stands by the right against the world cannot help applauding himself, and saying: "I am an honest man."

I want your verdict—a verdict born of manhood, of courage; and I want to send a dispatch to-day to a woman who is lying sick. I wish you to furnish the words of this dispatch—only two words—and these two words will fill an anxious heart with joy. They will fill a soul with light. It is a very short message—only two words—and I ask you to furnish them: "Not guilty."

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